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8 UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	CASE NO.: CR 06-283-FMC
)	
12 Plaintiff,)	DEFENDANT WINSTON HANJI PARK'S
)	SENTENCING MEMORANDUM
13 v.)	
)	Date: September 19, 2007
14 WINSTON HANJI PARK, et al.,)	Time: 2:30 p.m.
)	
15 Defendants.)	

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17 Defendant Winston Hanji Park, by and through his attorney, John Yzurdiaga, submits this
18 sentencing memorandum for the Court's consideration.

19 Respectfully submitted,

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21 Dated: September 14, 2007

_____/S/
JOHN YZURDIAGA
Attorney for Defendant
WINSTON HANJI PARK
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **INTRODUCTION**

3 Winston Hanji Park pled guilty to conspiracy to possess with intent to distribute and the
4 possession with intent to distribute one kilogram of cocaine. There is no plea agreement. The
5 Probation Office has calculated Mr. Park's Total Adjusted Offense Level at 23, Criminal History
6 Category IV, which provides a sentencing range of 70 to 87 months. Probation has recommended
7 a sentence of 60 months, which represents a downward departure from the Guidelines of ten months
8 based on U.S.S.G. Section 3553 factors. The defense concurs with Probation's recommendation and
9 requests only that Mr. Park receive credit for the year he served in state and federal custody as a
10 result of his arrest on this case.

11 **DISCUSSION**

12 On October 31, 2005, based on a pretext traffic stop for speeding, Mr. Park was contacted
13 by the California Highway Patrol. Mr. Park was found to be in possession of one kilogram of
14 cocaine in his vehicle. The possession of the controlled substance triggered a state parole revocation
15 for which Mr. Park was given a one year sentence. He remained in state custody for eight months
16 until his removal to federal custody on June 28, 2006 to face the charges now before the Court. Mr.
17 Park's one-year parole revocation sentence terminated on October 30, 2006, while he was in federal
18 custody. Mr. Park was in federal custody for four months of the one-year state revocation period.

19 The Court is respectfully requested to recommend to the Bureau of Prisons ("BOP") that Mr.
20 Park receive credit for the year spent in state and federal custody as a result of his arrest on the
21 current case. The Court may exercise its discretion to depart downward pursuant to U.S.S.G.
22 Section 5G1.3, based on Section 3553 factors, which it is respectfully submitted exist in this case;
23 however, the sentence in this case calls for a statutory minimum sentence of 60 months. Since the
24 Court cannot depart downward below the recommended 60 months, in lieu of a downward departure
25 the Court is requested to recommend to the BOP that Mr. Park receive credit for the year that he
26 served in state and federal custody due to his arrest on this case and the resulting parole revocation.

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RECOMMENDATION

The Court is requested to sentence Mr. Park to a period of 60 months in the BOP, and to recommend that Mr. Park receive credit for one year served in state and federal custody after his arrest on this case.

Respectfully submitted,

Dated: September 14, 2007

/S/

JOHN YZURDIAGA
Attorney for Defendant
WINSTON HANJI PARK

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 800 Wilshire Boulevard, Suite 1510, Los Angeles, California 90017.

On September 14, 2007, I served the foregoing document described as **Defendant Winston Hanji Park's Sentencing Memorandum** on all interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

Leslie de la Torre, USPO
United States Probation Office
600 United States Courthouse
312 North Spring Street
Los Angeles, California 90012

BY PERSONAL SERVICE: I caused said envelopes to be delivered by hand to the offices of the addressees.

XXX BY MAIL: I deposited said envelopes with the United States Postal Service at Los Angeles, California. The envelopes were mailed with postage thereon fully prepaid.

BY FEDEX: I caused said envelopes to be delivered via FedEx for next business day delivery to the addressee.

XXX BY FACSIMILE TRANSMISSION: I transmitted said document by facsimile at approximately 10:30 a.m. on September 14, 2007, from (213) 622-0445.

FEDERAL: I declare that I am employed in the office of a member of the bar of this Court at whose direction this service was made.

Executed on September 14, 2007, at Los Angeles, California.

/S/
STACI J. MOMII